

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

KIRK DONOVAN RAMEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:19-cv-00003
)	
DEPUTY RYAN J. HARTMAN,)	
)	
Defendant.)	

BRIEF IN SUPPORT OF MOTION FOR MORE DEFINITE STATEMENT

The defendant, Ryan J. Hartman (“Defendant”), by counsel, requests that this Court order the Plaintiff to file a Complaint that complies with the Rules of Federal Civil Procedure by providing a short and succinct statement of factual allegations against the Defendant and clearly informing the Defendant of the true nature of the Plaintiffs’ claim(s) against him.

INTRODUCTION

On December 27, 2018, the Plaintiff filed a warrant in debt against the Defendant in Bedford County General District Court. (Warrant in Debt, ECF No. 1-1.) The Plaintiff’s warrant in debt simply alleges a “violation of Plaintiff’s constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution pursuant to 42 U.S.C. § 1983.” (*Id.*) On January 18, 2019, the Defendant timely removed the case to the U.S. District Court for the Western District of Virginia, Lynchburg division. (Notice of Removal, ECF No. 1.)

ARGUMENT

Rule 12(e) of the Federal Rules of Civil Procedure requires that any “party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response.” The Warrant in Debt

does not provide any factual allegations which would allow the Defendant to reasonably prepare a response. The Warrant in Debt fails to contain “a short and plain statement of the claim showing that the pleader is entitled to relief” as required by Rule 8(a)(2). “[A] complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937, 1949 (2009) (internal quotation marks omitted). Finally, Rule 10(b) of the Federal Rules of Civil Procedure provides in pertinent part that “[a] party must state its claims or defense in numbered paragraphs, each limited as far as practicable to a single set of circumstances.”

CONCLUSION

For the foregoing reasons, the Defendant respectfully request that this Court grant his motion for a more definite statement and order the Plaintiff to file a complaint that complies with the Federal Rules of Civil Procedure.

Respectfully submitted,

DEPUTY RYAN J. HARTMAN

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send an electronic notice to the following:

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